

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF ARIZONA**

IN RE BARD IVC FILTERS
PRODUCTS LIABILITY LITIGATION

AZ Member Case: 2:19cv3031

No. MD-15-02641-PHX-DGC

**AMENDED MASTER SHORT FORM
COMPLAINT FOR DAMAGES FOR
INDIVIDUAL CLAIMS AND DEMAND
FOR JURY TRIAL**

FIRST AMENDED

Plaintiff(s) named below, for their Complaint against Defendants named below, incorporate the Master Complaint for Damages in MDL 2641 by reference (Doc. 364).

Plaintiff(s) further show the Court as follows:

1. Plaintiff/Deceased Party:

2. Spousal Plaintiff/Deceased Party's spouse or other party making loss of consortium claim:

3. Other Plaintiff and capacity (i.e., administrator, executor, guardian, conservator):

4. Plaintiff's/Deceased Party's state(s) [if more than one Plaintiff] of residence at the time of implant:

5. Plaintiff's/Deceased Party's state(s) [if more than one Plaintiff] of residence at the time of injury:

6. Plaintiff's current state(s) [if more than one Plaintiff] of residence:

7. District Court and Division in which venue would be proper absent direct filing:

8. Defendants (check Defendants against whom Complaint is made):

☐ C.R. Bard Inc.

☐ Bard Peripheral Vascular, Inc.

9. Basis of Jurisdiction:

☐ Diversity of Citizenship

☐ Other: _____

- a. Other allegations of jurisdiction and venue not expressed in Master Complaint:

10. Defendants' Inferior Vena Cava Filter(s) about which Plaintiff(s) is making a claim (Check applicable Inferior Vena Cava Filter(s)):

- ☐ Recovery[®] Vena Cava Filter
- ☐ G2[®] Vena Cava Filter
- ☐ G2[®] Express (G2[®]X) Vena Cava Filter
- ☐ Eclipse[®] Vena Cava Filter
- ☐ Meridian[®] Vena Cava Filter
- ☐ Denali[®] Vena Cava Filter
- ☐ Other: _____

11. Date of Implantation as to each product:

12. Counts in the Master Complaint brought by Plaintiff(s):

- ☐ Count I: Strict Products Liability – Manufacturing Defect
- ☐ Count II: Strict Products Liability – Information Defect (Failure to Warn)
- ☐ Count III: Strict Products Liability – Design Defect
- ☐ Count IV: Negligence - Design
- ☐ Count V: Negligence - Manufacture
- ☐ Count VI: Negligence – Failure to Recall/Retrofit
- ☐ Count VII: Negligence – Failure to Warn
- ☐ Count VIII: Negligent Misrepresentation
- ☐ Count IX: Negligence *Per Se*

- ☐ Count X: Breach of Express Warranty
 - ☐ Count XI: Breach of Implied Warranty
 - ☐ Count XII: Fraudulent Misrepresentation
 - ☐ Count XIII: Fraudulent Concealment
 - ☐ Count XIV: Violations of Applicable NJ Law Prohibiting
Consumer Fraud and Unfair and Deceptive Trade Practices
 - ☐ Count XV: Loss of Consortium
 - ☐ Count XVI: Wrongful Death
 - ☐ Count XVII: Survival
 - ☐ Punitive Damages
 - ☐ Other(s): All claims for Relief set forth in the Master Complaint for
an amount to be determined by the trier of fact including for the
following: (please state the facts supporting this Count in the space
immediately below)
-

13. Jury Trial demanded for all issues so triable?

- ☐ Yes
- ☐ No

RESPECTFULLY SUBMITTED this ____ day of _____, _____.

MCDONALD WORLEY, PLLC

By: /s/ William Barfield
William "Bill" Barfield
TX State Bar No. 24031725
Scott Fraser
TX State Bar No. 24093452
scott@mcdonaldworley.com
1770 St. James Place, Suite 100
Houston, Texas 77056
(713) 523-5500 (Telephone)
(713) 523-5501 (Facsimile)

Attorneys for Plaintiffs

CERTIFICATE OF SERVICE

I hereby certify that on this ____ day of _____, _____ I electronically transmitted the attached document to the Clerk's Office using the CM/ECF System for filing and transmittal of a Notice of Electronic Filing.

/s/ William Barfield